

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
JEROME HART, and all others)	
similarly situated,)	
)	
Plaintiff,)	
)	
v.)	
)	CASE NO. 09-cv-11096-RWZ
BANK OF AMERICA HOME LOANS, INC.)	
f/k/a COUNTRYWIDE HOME LOANS, INC.)	
COUNTRYWIDE BANK, N.A.)	
d/b/a America's Wholesale Lender,)	
)	
Defendant.)	
_____)	

DEFENDANTS' MOTION TO DISMISS
FIRST AMENDED CLASS ACTION COMPLAINT

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendants hereby move to dismiss all claims in the First Amended Class Action Complaint ("Complaint") filed by plaintiff Jerome Hart ("Plaintiff") in the above-captioned matter. For the reasons set forth in detail in the accompanying Memorandum in Support of Defendants' Motion to Dismiss First Amended Class Action Complaint, and the authorities cited therein, Plaintiff's Complaint fails to state a claim upon which relief can be granted.

REQUEST FOR ORAL ARGUMENT

Defendants believe that oral argument may assist the Court. Accordingly, pursuant to Local Rule 7.1(D), Defendants request that the Court grant a hearing on this Motion.

Dated: October 2, 2009

Respectfully Submitted,

COUNTRYWIDE HOME LOANS,
INC. (improperly named as Bank of
America Home Loans, Inc., f/k/a
Countrywide Home Loans, Inc.,
Countrywide Bank, N.A., d/b/a
America's Wholesale Lender)

By its attorneys,

/s/ James W. McGarry

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LOCAL RULE 7.1(A)(2) CERTIFICATION AND
CERTIFICATE OF SERVICE

I hereby certify, pursuant to Local Rule 7.1(A)(2), that counsel for the parties have conferred on the matters set forth in the foregoing motion but were unable to resolve or narrow the issues in dispute. I further certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 2, 2009.

/s/ James W. McGarry